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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

IN RE: DA VINCI SURGICAL ROBOT  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

Lead Case No: 3:21-CV-03825-AMO-LB

**DECLARATION OF MANUEL J.  
DOMINGUEZ IN SUPPORT OF  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION**

Hearing Date: October 10, 2024  
Time: 2:00 PM  
Courtroom: 10 - 19th Floor  
Judge: Hon. Araceli Martínez-Olgún

I, Manuel J. Dominguez, declare as follows:

1. I am a partner at Cohen Milstein Sellers & Toll PLLC, and Interim Co-Lead Counsel for the Plaintiffs in this matter. I make this declaration based on my personal knowledge in support of Plaintiffs' Motion for Class Certification in the above captioned matter. If called upon to do so, I will testify competently to the facts set forth herein.

2. I certify that the following Table of Exhibits lists true and correct copies of all exhibits attached to this Declaration in support of Plaintiffs' Motion for Class Certification.

**TABLE OF EXHIBITS**

Exhibit #	Description
1	True and correct copy of the Class Certification Expert Report of Professor Einer Elhauge, June 6, 2023 ("Elhauge Class Rep.").
2	True and correct copy of excerpts of the deposition of Glenn Vavoso, May 14, 2021 ("Vavoso ( <i>Rebotix</i> ) Dep.>").
3	True and correct copy of the document bates stamped Intuitive-00000129 – Da Vinci Instrument Catalog, March 2020.
4	True and correct copy of the document bates stamped Intuitive-00595673 – Intuitive Surgical Devices Business Overview, October 29, 1995.
5	True and correct copy of the Expert Report of Eugene Rubach, December 1, 2022 ("Rubach Rep.>").
6	True and correct copy of excerpts of the deposition of Anthony McGrogan, June 7, 2021 ("McGrogan 30(b)(6) Dep.>").
7	True and correct copy of the Expert Report of Dr. T. Kim Parnell, March 1, 2023 ("Parnell Rep.>").

8	True and correct copy of the document bates stamped Intuitive-00214241 – Email re: Si service and instrument reprocessing, February 13, 2019.
9	True and correct copy of the document bates stamped Intuitive-00019774 – Letter from Intuitive Surgical to Pacific Coast Surgical Center, May 7, 2019.
10	True and correct copy of the document bates stamped Intuitive-00032950 – Letter from Intuitive Surgical to Baptist Health Medical Center Little Rock, May 7, 2019.
11	True and correct copy of the document bates stamped Intuitive-00067540 – Sales, Lease, and Service Agreement between Intuitive and Conway Regional Medical Center, Inc., August 16, 2019.
12	True and correct copy of excerpts of the deposition of Clif Parker, May 4, 2021 (“Parker ( <i>Restore</i> ) Dep.”).
13	True and correct copy of excerpts of the deposition of David Rosa, May 19, 2021 (“Rosa ( <i>Restore</i> ) Dep.”).
14	True and correct copy of the document bates stamped FRANCISCAN-00056314) – Master Sales, License, and Service Agreement between Intuitive Surgical and Franciscan Alliance, Inc., September 28, 2020.
15	True and correct copy of the document bates stamped LARKIN-00025488 – Use, License & Service Agreement Between Intuitive Surgical and Larkin Community Hospital, June 9, 2017.
16	True and correct copy of the document bates stamped VMC-00020652 – Sales, License, and Service Agreement between Intuitive Surgical and Valley Medical Center, August 31, 2018.
17	True and correct copy of excerpts of the publicly filed version of the Amended Expert Rebuttal Report of Loren K. Smith, Ph.D., January 20, 2023. Report filed in its entity at ECF No. 259-3 (“Smith Rep.”).
18	True and correct copy of excerpts of the deposition of Marshall Mohr, November 7, 2022 (“Mohr 30(b)(6) Dep.”).
19	True and correct copy of excerpts of the deposition of David Rosa, May 1, 2023 (“Rosa Dep.”).

20	True and correct copy of excerpts of the deposition of Ronald Bair, May 24, 2021 (“Bair ( <i>Rebotix</i> ) Dep.”).
21	True and correct copy of the Intuitive Form 10-K Report (Fiscal Year 2020) filed with the U.S. Securities and Exchange Commission.
22	True and correct copy of excerpts of the deposition of Ronald Bair, May 24, 2021 (“Bair ( <i>Restore</i> ) Dep.”).
23	True and correct copy of the document bates stamped Intuitive-00203904 – Email re: FW da Vinci documents, May 3, 2017.
24	True and correct copy of the document bates stamped Intuitive-00279923 – Da Vinci Si Instrument & Accessory Catalog, February 2018.
25	True and correct copy of the document bates stamped Intuitive-00279958 – Da Vinci X and Da Vinci XI Instrument & Accessory Catalog, January 2018.

1 Dated: June 6, 2024

Respectfully submitted,

2 /s/ Manuel J. Dominguez

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